

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MATHEW EBERZ and REBECCA)	
EBERZ, on behalf of themselves)	
and all similarly situated individuals,)	
)	Case No. 1:13-CV-00488-SCJ
Plaintiff,)	
)	
v.)	
)	
HARVEST MANAGEMENT SUB)	
TRUST CORPORATION,)	
)	
Defendant.)	

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs and Defendant Harvest Management Sub TRS Corp. d/b/a Holiday Retirement (“Holiday”), by and through their undersigned counsel and pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure and LR 41.1, NDGa., hereby dismiss the above-captioned lawsuit in its entirety, *with prejudice*.

In support of this dismissal, the parties provide the following:

1. In October 2013, the parties agreed to settle all claims which were alleged or which could have been alleged in the above-captioned matter and finalized the terms of the written settlement agreement.
2. Pursuant to the terms of the settlement agreement, the named plaintiffs to this action, along with all individuals who filed opt-in forms and are eligible

to join the above-captioned lawsuit, agreed to pursue and resolve any and all claims under the Fair Labor Standards Act (“FLSA”) by opting in to: (1) Sallie Cwik, individually and on behalf of others similarly situated, v. Harvest Management Sub LLC, which was filed in the United States District Court for the Central District of California, Case No. CV 12-08309 DMG (JC) (“Cwik Lawsuit”); and/or (2) Johnson et al. v. Harvest Management Sub TRS Corporation, which was filed in the United States District Court for the Southern District of California, Case No. 3:12-cv-00662-JM-DHB (“Johnson Lawsuit”).

3. On November 1, 2013, the Central District of California granted final approval of the settlement in the Cwik Lawsuit. On November 14, 2013, the Southern District of California granted final approval of the settlement in the Johnson Lawsuit and entered judgment.

WHEREFORE, Defendant Harvest Management Sub TRS Corp. d/b/a Holiday Retirement and Plaintiffs respectfully file this joint stipulation of dismissal of all claims with prejudice.

Respectfully submitted,

s/ Amanda A. Farahany*

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*With express permission by BCB

Date: November 21, 2013

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CERTIFICATE OF SERVICE

I certify that on November 21, 2013, I electronically filed the foregoing
JOINT STIPULATION OF DISMISSAL WITH PREJUDICE with the Clerk of
Court using the CM/ECF system, which will automatically send e-mail notification
of such filing to the following attorneys of record:

Amanda A. Farahany
V. Severin Roberts
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Atlanta, Georgia 30309

s/ Brett C. Bartlett
Counsel for Defendant